

IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

TRUSTMARK NATIONAL BANK,
T. HARRIS COLLIER, III, as Substituted Trustee

PLAINTIFFS

V.

CIVIL ACTION NO. 04-04-0625

PHOENIX CHAPEL AFRICAN METHODIST
EPISCOPAL CHURCH, INC.; PHOENIX CHAPEL
HUMAN DEVELOPMENT CORPORATION;
PHOENIX CHAPEL CHILD DEVELOPMENT
CENTER; MICHAEL L. MARTIN; WILLIE N. GRAY;
MELVIN L. GUY; ESTATE OF KATIE HOLLOWAY;
BEN BAKER; MARY KENERSON; ROBERT GUY;
DEDRIA BASTROPH; CARLYON SMITH; KAREN MAYS;
JEAN JOHNSON; ERIC J. BOONE; PATRICIA GUY;
VICKY R. COLLIER; CYNTHIA J. HAILEY; ELIAS GUY;
DOROTHY PHILLIPS; WILLIE BOONE; LIZZIE GRAY;
HOWARD SOMMER; SEARS, ROEBUCK & COMPANY;
GENERAL ELECTRIC CAPITAL CORP.; MISSISSIPPI
STATE TAX COMMISSION; NORTH MISSISSIPPI
DRIVEWAYS, INC.; NFC FINANCE CORP.; EXPRESS
BODY WORKS, LLC; and JOHN DOE(S) 1-50

DEFENDANTS

NOTICE OF LIS PENDENS

TO THE CHANCERY CLERK OF DESOTO COUNTY:

YOU ARE HEREBY notified that suit has this date been filed by the undersigned in the
Chancery Court of DeSoto County, Mississippi:

(1) Name of all parties to the suit:

PLAINTIFF:

TRUSTMARK NATIONAL BANK,

T. HARRIS COLLIER, III, as Substituted Trustee

*Myers
Sydner*

DEFENDANTS:

Phoenix Chapel African Methodist Episcopal Church, Inc.

Phoenix Chapel Human Development Corporation

Phoenix Chapel Child Development Center

Michael L. Martin

Willie N. Gray

Melvin L. Guy

Estate of Katie Holloway

Ben Baker

Mary Kenerson

Robert Guy

Dedria Bastroph

Carlyon Smith

Karen Mays

Jean Johnson

Eric J. Boone

Patricia Guy

Vicky R. Collier

Cynthia J. Hailey

Elias Guy

Dorothy Phillips

Willie Boone

Lizzie Gray

Upon information and belief, Defendants Michael L. Martin, Willie N. Gray, Melvin L. Guy, Katie Holloway, Ben Baker, Mary Kenerson, Robert Guy, Dedria Bastroph, Carlyon Smith, Karen Mays, Jean Johnson, Eric J. Boone, Patricia Guy, Vicky R. Collier, Cynthia J. Hailey, Elias Guy, Dorothy Phillips, Willie Boone, and Lizzie Gray each claim to be and/or have claimed to be an officer, director, and/or board member of Defendants Phoenix AME, Phoenix HDC, and/or Phoenix CDC.

Howard Sommer

Sears Roebuck and Company

General Electric Capital Corporation

The Mississippi State Tax Commission

North Mississippi Driveways, Inc.,

NFC Finance Corporation

Express Body Works, LLC,

Upon information and belief, Defendants Howard Sommer, Sears Roebuck and Company, General Electric Capital Corporation, Mississippi State Tax Commission, North Mississippi Driveways, Inc., NFC Finance Corporation, and Express Body Works, LLC, are judgment lienholders claiming an interest in or to the subject properties and/or structures located on the subject properties.

John Doe(s) 1-50 includes any other person and/or entity claiming an interest in the subject properties and/or structures located on the subject properties and/or additional lienholders.

(2) Description of Real Property in Question: **TRACT A**

Legal Description of an 8.29, more or less, acres tract of land located in City of Southaven, County of Desoto, State of Mississippi in part of the Northwest and Southwest Quarters of the Northeast Quarter of Section 28, Township 1 South, Range 7 West, and is further described as follows:

Commencing at the northeast corner of said Section thence South 05 Degrees 50 Minutes 43 Seconds West 913.55 feet along the centerline of Getwell Road to a point; thence North 84 Degrees 52 Minutes 14 Seconds West 1858.07 feet to a 3/8 inch steel bar found, being the point of Beginning; thence North 84 Degrees 32 Minutes 31 Seconds West 505.92 feet to a 1 inch iron bar found; thence South 08 Degrees 36 Minutes 25 Seconds West 209.15 feet to a 1/2 inch iron bar found; thence South 89 Degrees 48 Minutes 38 Seconds West 69.42 feet to a steel bolt found on the west right of way of Plum Point Road (80 feet wide); thence along said right of way South 29 Degrees 51 Minutes 08 Seconds East 101.35 feet to a steel bolt found; thence along said right of way South 24 Degrees 53 Minutes 02 Seconds East 73.83 feet to a 3/4 inch iron bar found; thence along said right of way South 24 Degrees 50 Minutes 36 Seconds East 180.48 feet to a 1/2 inch pipe set; thence along said right of way South 19 Degrees 09 Minutes 45 Seconds East 221.08 feet to a 3/4 inch iron bar found; thence North 72 Degrees 42 Minutes 00 Seconds East 564.11 feet to a 3/4 inch iron bar found; thence North 17 Degrees 17 Minutes 20 Seconds West 380.06 feet to a 3/4 inch bar found; thence North 17 Degrees 16 Minutes 58 Seconds West 144.10 feet to a 3/8 inch steel bar found, being the Point of Beginning, containing 8.29, more or less, acres (381,043 more or less square feet) of land being subject to all codes, regulations and revisions, subdivisions, covenants, easements and rights of way on record.

INDEXING INSTRUCTIONS:

part of the Northwest and Southwest Quarters of the Northeast Quarter of Section 28,

Township 1 South, Range 7 West

STREET ADDRESS:

2554 PLUM POINT, SOUTHAVEN, MISSISSIPPI 38671

- (3) Nature of the Lien, Right or Interest to be enforced.


Promissory Note secured by Deed of Trust on described property.

You are further requested to include this Notice hereof in the Lis Pendens records of said County as provided by law.

WITNESS THE SIGNATURE of the attorney of record for Plaintiffs on this the 24th day of June, 2005.

Respectfully Submitted,

TRUSTMARK NATIONAL BANK, AND
T. HARRIS COLLIER, III, SUBSTITUTED
TRUSTEE

BY: 
MICHAEL K. GRAVES, MSB NO. 9359
TONICAMPBELL PARKER, MSB NO. 4081
Myers Graves & Parker, PLLC
140 W. Center Street
Hernando, Mississippi 38632
(662) 429-1994
Attorneys for Plaintiffs

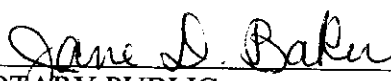
OF COUNSEL:

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.
165 Madison Avenue, Suite 2000
Memphis, Tennessee 38103
(901) 526-2000

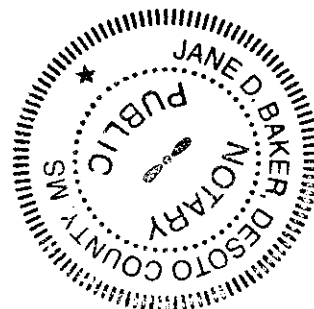
STATE OF MISSISSIPPI
COUNTY OF DESOTO

PERSONALLY APPEARED BEFORE ME this day, the undersigned authority in and for said County and State, within my jurisdiction, the within named, Michael K. Graves, who acknowledged that he is the attorney for the Plaintiffs, and that in said representative capacity he executed the above and foregoing instrument, after first having been duly authorized to do so.

SWORN TO AND SUBSCRIBED before me, this the 24th day of June, 2005.


NOTARY PUBLIC

My Commission Expires:



CERTIFICATE OF SERVICE

I, Michael K. Graves, Attorney of record for Plaintiffs Trustmark National Bank, and T. Harris Collier, III, as Substituted Trustee, in the above and foregoing styled and numbered cause, do hereby certify that I have this day mailed a true and correct copy of the above and foregoing Notice of Lis Pendens, U. S. Mail, postage prepaid to the following:

Thomas Pearson, Esq.
P. O. Box 912
Clarksdale, MS 38614

Mr. Robinson, Esq.
c/o James Jones, Paralegal
2009 West Homes
Memphis, Tennessee 38109

Honorable Joseph M. Sparkman
Sparkman-Zummach
P. O. Box 266
Southaven, MS 38671
Attorneys for North Mississippi Driveways, Inc.

Honorable James D. Minor
P O Box 1670
Oxford, MS 38655
Attorney for Phoenix Chapel Human Development, Inc.

Honorable Lawrence J. Magdovitz, II
P. O. Box 997
Clarksdale, MS 38614
Attorneys for Phoenix Chapel A.M.E. Church, Inc.

Samuel T. Polk, III, Esq.
P. O. Box 1033
Jackson, MS 39215-1033
Attorneys for the Mississippi State Tax Commission

Rev. Eric J. Boone
8942 Sweet Flag Loop West
Southaven, MS 38671

This, the 24th day of June, 2005.


MICHAEL K. GRAVES, MSB NO. 9359